UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/2027
22 June 1995

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

FALKLAND ISLANDS (MALVINAS)

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 2	3
II.	CONSTITUTION AND GOVERNMENT	3 - 4	3
III.	POLITICAL DEVELOPMENTS	5 - 15	4
IV.	MINE CLEARING	16	8
V.	ECONOMIC CONDITIONS	17 - 37	8
	A. General	17	8
	B. Agriculture, land tenure and livestock	18	8
	C. Fisheries	19 - 24	8
	D. Industry and tourism	25	10
	E. Oil	26 - 31	11
	F. Energy, transport and communications	32 - 33	11
	G. Banking	34 - 35	12
	H. Public finance and international trade	36 - 37	12

95-17204S (E) 290695 030795

/...

CONTENTS (continued)

		Paragraphs	Page
VI.	SOCIAL AND EDUCATIONAL CONDITIONS	38	12
VII.	PARTICIPATION IN INTERNATIONAL ORGANIZATIONS AND ARRANGEMENTS	39 - 40	12
VIII.	CONSIDERATION BY OTHER INTERGOVERNMENTAL ORGANIZATIONS	41	13
	Organization of American States	41	13
IX.	FUTURE STATUS OF THE TERRITORY	42 - 50	13
	A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	42 - 47	13
	B. General Assembly	48 - 51	14

FALKLAND ISLANDS (MALVINAS) 1/

I. GENERAL

1. The Falkland Islands (Malvinas), which is administered by the United Kingdom of Great Britain and Northern Ireland, comprises two large islands known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres. The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands.

2. According to the 1991 census, the population of the Territory was 2,121, excluding military personnel and contract workers, but including some expatriate staff in permanent posts. Of the total, 1,643 lived in Stanley, the capital, and its environs and the remainder on farms and in small settlements varying in size from around 30 people to several farms run by only one family. Most settlement communities have fewer than 10 people. In 1980, according to the census of that year, of the 1,813 permanent inhabitants, 1,360 were born in the Territory and about 300 in the United Kingdom.

II. CONSTITUTION AND GOVERNMENT

3. The Constitution of the Falkland Islands (Malvinas), which came into effect on 18 April 1985, vests executive power in a Governor, who is the personal representative of the British monarch, assisted by an Executive Council consisting of the Chief Executive and the Financial Secretary and three members of the Legislative Council chosen by the eight elected members from among themselves. The Chief Executive and Financial Secretary are ex officio members of both councils and have no vote. One of the principal features of the Constitution is the reference in the preamble to the islanders' right to self-determination in conformity with the provisions of the Charter of the United Nations. (For further details, see the 1985 working paper prepared by the Secretariat (A/AC.109/835 and Corr.1, paras. 4-39).)

4. The Territory is divided into two constituencies for electoral purposes: the Stanley Constituency, which comprises the capital and its environs, and the Camp Constituency, made up of the rest of the Territory. There are four elected members for each constituency. All Commonwealth citizens 18 years or older who satisfy the residency requirements are allowed to vote. Elections must be held at intervals not longer than just over four years. The last general election was held in October 1993.

III. POLITICAL DEVELOPMENTS

5. In a letter dated 23 August 1994 and addressed to the Secretary-General, the Permanent Representative of Argentina to the United Nations transmitted the text of a protest note dated 22 August 1994 from the Government of the Argentine Republic to the Government of the United Kingdom of Great Britain and Northern Ireland regarding "the unilateral measure" taken by the United Kingdom of Great Britain and Northern Ireland "extending its alleged maritime jurisdiction" in the waters adjacent to the Falkland Islands (Malvinas). The Permanent Representative of Argentina requested that the note and its annex be circulated as a document of the General Assembly under item 45 of the provisional agenda of the forty-ninth session entitled "Question of the Falkland Islands (Malvinas)", and of the Security Council, and drawn to the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/49/334-S/1994/988).

6. The text of the note was as follows:

> "The Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and refers to the unilateral British decision to extend its alleged jurisdiction over the maritime space west of and adjacent to the area described in the annex to the Joint Statement of 28 November 1990.
>
> "The Argentine Government registers its most serious protest and rejection of that measure which involves maritime spaces adjacent to Argentine national territory, and does not accept the attempt to extend the dispute over sovereignty to an undisputed area.
>
> "In the maritime space in which the United Kingdom seeks to extend its alleged jurisdiction, the Argentine Republic has exercised, exercises and will continue to exercise sovereign rights, particularly in respect of the administration and control of fisheries.
>
> "The British action implies a departure from the Joint Statement and the bilateral understandings reached from 1990 until now regarding the South-West Atlantic.
>
> "Furthermore, the action of the United Kingdom disregards the General Assembly resolutions which call on the parties to the dispute to find a solution to the controversy regarding sovereignty over the Malvinas, South Georgia and South Sandwich islands by means of negotiations and which call upon the two parties 'to refrain from taking decisions that would imply introducing unilateral modifications in the situation' (General Assembly resolution 31/49 of 1976).
>
> "The Argentine Government reserves the right to raise the question of the serious situation deriving from the measure adopted by the British Government in the competent international forums, particularly the General Assembly of the United Nations.

"Without prejudice thereto, and in exercise of its jurisdiction over the said area, the Argentine Government will continue to administer and exploit the living marine resources in that zone, and to monitor and control the activities carried out therein, for the better conservation of the resources.

"Furthermore, the Argentine Government considers that unilateral decisions of this nature interfere with the maintenance and possible deepening of the bilateral understandings on fisheries, with negative consequences for the conservation of the living marine resources in the South-West Atlantic.

"Consequently, the Argentine Government urges the British Government to refrain from putting the measure into effect and from any unilateral act in the area in question so as to permit the continuation of the fruitful cooperation achieved thus far."

7. In a letter dated 26 August 1994 and addressed to the Secretary-General, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations transmitted the text of the note of the same date from his Government in response to the note from the Government of the Argentine Republic. The Permanent Representative of the United Kingdom of Great Britain and Northern Ireland requested that the letter and its annex be circulated as a document of the General Assembly, under item 45 of the provisional agenda, and of the Security Council (A/49/341-S/1994/1005).

8. The text of the note was as follows:

"The British Embassy presents its compliments to the Ministry of Foreign Affairs, International Trade and Worship, and with reference to the latter's note of 22 August 1994 (A/49/334, annex) has the honour, on instructions, to state the following in response.

"The United Kingdom has no doubts about its sovereignty over the Falkland Islands and its consequential right to extend maritime jurisdiction around the Territory in accordance with the rules of international law. Accordingly, the Embassy is instructed to reject the protest contained in the Ministry's note.

"The Embassy does not accept the statement in the Ministry's note that 'the Argentine Republic has exercised, exercises and will continue to exercise sovereign rights, particularly in the matter of administration and control of fishing activities' in the area lying to the west of and adjacent to the area described in the annex to the Joint Statement of 28 November 1990. The United Kingdom does not recognize Argentine jurisdiction over the area, which lies within 200 miles of the Falkland Islands and more than 200 miles from Argentine baselines.

"In regard to the reference in the Ministry's note to resolutions of the General Assembly of the United Nations about the Falkland Islands, the position of the British Government on these resolutions is well known and remains unchanged.

"The United Kingdom has taken action to include certain waters which are within 200 miles of Falkland Islands baselines into the Falkland Islands outer conservation zone to prevent the continuation of uncontrolled fishing taking place in that area to the prejudice of the stocks of fish and, in particular, of illex squid. Argentina's well-known concerns about uncontrolled fishing in the South-West Atlantic are shared by the United Kingdom.

"The United Kingdom remains interested in cooperating with Argentina on measures to ensure the effective conservation of the living marine resources in the South-West Atlantic."

9. In August 1994, the National Congress of Argentina revised the text of the country's Constitution and included, inter alia, a transitory provision which reaffirmed Argentina's rights to the Falkland Islands (Malvinas) and stated that, in recovering those rights, respect for international law and the way of life of the population of the Islands should be paramount. 2/

10. In response to the above action, the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires presented a note dated 30 August 1994 to the Ministry of Foreign Affairs, International Trade and Worship of Argentina. The text of the note was as follows:

"Her Britannic Majesty's Embassy presents its compliments to the Ministry of Foreign Affairs, International Trade and Worship - Malvinas and South Atlantic Division - and has the honour to inform the Ministry that the Government of the United Kingdom of Great Britain and Northern Ireland have become aware of the decision of the Argentine Constituent Assembly to approve a revised Constitution which includes a clause purporting to claim sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.

"The United Kingdom has no doubt about its sovereignty over, and maritime jurisdiction and rights in respect of, the Falkland Islands, South Georgia and the South Sandwich Islands. Consequently, the Embassy are instructed to reject the Argentine claim in the revised Constitution to sovereignty over these territories and wish to protest formally at the renewed assertion of this claim.

"As regards the reference in the revised Constitution to the inhabitants of the Falkland Islands, the Government of the United Kingdom recall the manifested strongly held wish of the Falkland Islanders to remain British." 3/

11. A poll conducted in November 1994 on the islands by the internationally recognized public opinion organization MORI and paid for by Argentine businessmen has shown that the overwhelming majority of islanders were opposed to any negotiation with Argentina over sovereignty and to any idea of accepting payment in return for a transfer of sovereignty to Argentina. 4/

12. In his Christmas message to the people of the Falkland Islands (Malvinas), the Prime Minister of the United Kingdom of Great Britain and Northern Ireland,

inter alia, confirmed that the policy of his Government in defending the rights of the islanders was both "just and essential" and that the Government would "not be diverted from that course"; that the islanders had "the right to be governed under the flag of their own choice" and the Government would "continue to uphold that right"; that the recent opinion poll conducted in the islands "made clear the very strong feelings" that the islanders had on this subject and that the Government's feelings were "no less firm". 5/

13. In his article on the Falkland Islands (Malvinas) published in December 1994, the Secretary of State for Foreign and Commonwealth Affairs, Mr. Douglas Hurd, concluded that the question of sovereignty of the Falkland Islands was in effect settled. In his view, the islanders would not accept Argentine rule, and no one would in practice force it on them. As regards the contacts between the islanders and Argentina, Mr. Hurd believed that was a matter that the islanders would have to work out for themselves and that the British Government would not lean on them to enter into contacts that they suspected or disliked. In conclusion, Mr. Hurd wrote that, because of what had happened in 1982, the British commitment to the Falkland Islands had from time to time to be restated. 6/

14. On 3 January 1995, the Government of Argentina issued the following statement: 7/

> "Today being the one hundred sixty-second anniversary of the illegitimate British occupation of the Malvinas Islands, the Argentine people and Government once again reaffirm Argentina's sovereign rights over the Malvinas Islands, the South Georgia Islands, the South Sandwich Islands and the surrounding seas.
>
> "The Argentine Government reiterates that it remains determined to resume exercising its sovereign rights through negotiations leading to a just and final solution of this territorial dispute and stresses that it proposes to continue moving ahead in the dialogue with the United Kingdom in order to build strong relationship of mutual trust and cooperation in the South-West Atlantic.
>
> "At the same time, the Argentine Government reiterates its willingness to engage in dialogue and cooperation with the inhabitants of the Malvinas Islands and to safeguard their interests and well-being. This position is upheld by the new Constitutional text which, in its first transitory provision, establishes recovery of these territories and full exercise of sovereignty, while respecting the inhabitants' way of life and in accordance with the principles of international law, as a permanent and absolute objective of the Argentine people."

15. On 22 March 1995, during the debate on the Falkland Islands in the House of Commons, the Minister of State, Foreign and Commonwealth Office, summarized his Government's policy towards the Falkland Islands as follows: once the Argentines accepted that the islanders were British and had their own right to self-determination, relations [with Argentina] could be built on a normal basis; the islanders were not a transitory population, they had been there without interruption since 1833 and had chosen throughout all that time to remain under

the British flag; assertions that the Falklands would become Argentine were highly objectionable to his Government and the islanders and they rejected them and would continue to do so at every opportunity; his Government cooperated with Argentina in many areas and agreements had been signed on visa abolition, cultural cooperation, investment protection and promotion, antinarcotics and air services; his Government had no doubt about the sovereignty of the Falklands and the right of self-determination involved respecting the wishes of the people of the Falklands; his Government was committed to the defence of the islands, and, finally, his Government was actively helping the islanders to benefit from prospective oil and gas resources. 8/

IV. MINE CLEARING

16. As noted in the previous working paper prepared by the Secretariat (A/AC.109/1198, para. 35), the Argentine Government offered the United Kingdom to clear the mines laid in the Falkland Islands (Malvinas) during the conflict of 1982. In July 1994, the Argentine Government and the Government of the United Kingdom of Great Britain and Northern Ireland presented notes to the Government of the United States of America, requesting its cooperation to carry forward the bidding process on the projects of mine clearing and to take necessary steps in order to guarantee the effective removal of mines. The Government of the United States responded positively to this request in August of that year by specifying modalities of the bidding process. As of the time of preparation of the present paper, a regular exchange between the Argentine Government and that of the United States has been taking place in order to arrange the details of the operation and its financing.

V. ECONOMIC CONDITIONS

A. General

17. Detailed information on developments in the economy of the Falkland Islands (Malvinas) is provided in the previous working paper prepared by the Secretariat (A/AC.109/1198, paras. 38-42).

B. Agriculture, land tenure and livestock

18. Detailed information on developments in the field of agriculture, land tenure and livestock is provided in the previous working paper (A/AC.109/1198, paras. 43-46).

C. Fisheries

19. Detailed information under this section is provided in the previous working paper (A/AC.109/1198, paras. 47-55).

20. The tenth meeting of the South Atlantic Fisheries Commission took place in London on 5 and 6 June 1995. The text of the joint communiqué is reproduced below:

"1. The Tenth Meeting of the South Atlantic Fisheries Commission took place in London on 5 and 6 June 1995. The British delegation was led by the head of the South Atlantic and Antarctic Department, Mr. Tony Longrigg, and the Argentine delegation by the head of the Malvinas and South Atlantic Department, Minister Luis Mendiola.

"2. The British and Argentine delegations agreed that there applied to this meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas agreed by the British and Argentine Governments in paragraph 2 of the Joint Statement issued in Madrid on 19 October 1989.

"3. The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its fifth meeting which was held in London on 1 and 2 June 1995.

"4. The delegations agreed that they attached fundamental importance and the greatest priority to conserving the various species in the fisheries, most notably illex and blue whiting, on the basis of the best available scientific advice. They welcomed the cooperation between INIDEP and Imperial College and encouraged the scientists to maintain and develop their consultations further. They recommended to their Governments that the early warning system should be improved so that the scientists could provide a joint assessment without delay. They agreed that INIDEP and Imperial College should discuss this with a view to making recommendations on this issue to the next meeting of the South Atlantic Fisheries Commission.

"5. The delegations welcomed the positive experience of the joint research cruises carried out in 1993, 1994 and 1995. They confirmed that preparations would be made for a joint blue whiting cruise in the second half of 1995 and for a joint illex pre-recruit survey in February 1996. The Commission noted the recommendation of the Scientific Subcommittee that additional research on blue whiting was urgently needed, and agreed that the planning of the blue whiting cruise would be the subject of early consultation between INIDEP and Imperial College.

"6. Both delegations welcomed the procedures under the rapid communications system, which they agreed was working well.

"7. The Commission noted with concern illegal activities of fishing vessels in the South-West Atlantic and agreed to continue cooperation, including an intensified exchange of information, to curtail such activities.

"8. The delegations discussed the conservation of migratory and straddling stocks and species related to them in international waters - in accordance with paragraph 4 (d) of the Joint Statement of

28 November 1990 - and the work of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. They agreed to discuss the issue further at the next meeting of the South Atlantic Fisheries Commission.

"9. The Commission noted that 'the Subcommittee encouraged scientists from the delegations to submit joint publications to international scientific journals based on some of the joint scientific work carried out'. The two delegations agreed that the formula on sovereignty referred to in paragraph 2 above would apply to all such joint publications.

"10. The Commission agreed to meet again in Buenos Aires in November 1995.

"11. The meeting took place in a warm and friendly atmosphere." 9/

21. The Territory's fishing sector is based on the sale of licences to vessels fishing for squid and other species in the Falkland Islands conservation zones. A zone, with a radius of 150 miles, was established by the administering Power with effect from 1 February 1987 and involves a licensing regime under which the number of fishing vessels and therefore the total catch is limited. On 26 December 1990 a further Falklands Outer Conservation Zone, extending to 200 miles, was established. In August 1994, the administering Power extended the Outer Conservation Zone to its full 200-mile limit, to the west of and adjacent to the area described in the annex to the joint statement of 28 November 1990. Argentina protested this action (see paras. 5 and 6 above), and the United Kingdom rejected that protest (see paras. 7 and 8 above).

22. In November 1994, a total of 220 applications for 1995 season fishing licences were received by the Fisheries Department of the Falkland Islands (Malvinas). Of that number 49 were applications for long-term licences. These applications were assessed against the points system, which is part of the policy adopted recently by the Fisheries Department. The objective of the policy is to give emphasis to the participation by the Territory's residents in fishing activities within the Falklands conservation zones and the creation of a fishing industry within the islands' private sector. 10/

23. Among the countries licensed to fish in the islands' waters during 1995 are Belize, Chile, France, Honduras, Italy, Japan, the Republic of Korea, Panama, Poland, Portugal and Spain.

24. In order to preserve the illex squid stocks to the south of the 45th parallel, the United Kingdom decided to close the illex fishing season as early as 20 May 1995; Argentina did so as early as 4 June 1995. Both countries employed again the mechanism of "early warning" agreed upon at the seventh meeting of the South Atlantic Fisheries Commission.

D. Industry and tourism

25. Detailed information on industrial developments and tourism sector is provided in the previous working paper (A/AC.109/1198, paras. 56-59).

E. Oil

26. Detailed information on developments in the field of oil exploration is provided in the previous working paper (A/AC.109/1198, paras. 60-64).

27. In early October 1994, the British press reported that British Gas and the recently privatized Argentine petroleum company YPF had expressed interest in forming a joint venture to search for oil in the islands' waters. According to the information provided to the Secretariat by the Permanent Mission of Argentina to the United Nations, the Argentine Government warned the oil companies interested in the area through "letters of discomfort", about the administrative and legal consequences of their activities in the disputed areas, should they not have the proper authorization of the Argentine Government.

28. In response to above press reports, on 15 October 1994, the Falkland Islands (Malvinas) Government published the following press release: 11/

> "The Falkland Islands Government welcomes the reported interest of British Gas/YPF in the development of any oil reserves which may be discovered around the Falkland Islands. So far the Falkland Islands Government has received no approach from the proposed consortium."

29. By publishing on 22 October 1994 a special supplement to Penguin News entitled "Oil and the Falklands" the territorial Government launched a programme of public relations and dissemination of information on oil matters directed to the islands' inhabitants before enacting the Offshore Minerals Bill (1994). The bill was scheduled for discussion by the Legislative Council in late October 1994.

30. On 27 October 1994, the Legislative Council passed the bill, which provided the basic legal framework for the exploration for oil around the Falkland Islands (Malvinas) and for exploiting oil if the search was successful. In its essentials, the bill allows the Government to grant licences to explore and exploit offshore and gives the Government powers over the operation; provides for health and safety regulations in the offshore industry; deals with underwater pipelines and procedures for the decommission of equipment; and provides for environmental impact control by the Government. 12/

31. In early February 1995, representatives of the United Kingdom and Argentina held a two-day meeting in Buenos Aires to study the possibility of cooperating in oil exploitation in the South Atlantic. The delegations released a declaration at the end of the meeting stressing the "reasonably positive" nature of the dialogue. 13/

F. Energy, transport and communications

32. Detailed information under this section is provided in the previous working paper (A/AC.109/1198, paras. 65-70).

33. According to the information provided to the Secretariat by the Permanent Mission of Argentina to the United Nations, its Government considers that the

re-establishment of communications between the mainland and the Falkland Islands (Malvinas) would contribute to a better understanding among the inhabitants of the whole region, as well as in a very meaningful way, to the development of the trade and the economy. It is also trying, in the interests of the islanders, to facilitate as much as possible the establishment of sea and air links between the Islands and the Argentine mainland or neighbouring countries.

G. Banking

34. The Standard Chartered Bank of the United Kingdom opened a branch at Stanley in 1983. Both United Kingdom and local coinage are used, together with local currency notes of £20, £10 and £5 values.

35. According to the local press reports, two banks in the United Kingdom expressed interest in operating in the Territory. 14/

H. Public finance and international trade

36. Detailed information under this section is provided in the previous working paper (A/AC.109/1198, paras. 72-77).

37. According to the information provided to the Secretariat by the Permanent Mission of Argentina to the United Nations, its Government favours the re-establishment and normalization of trade between the Falkland Islands (Malvinas) and the Argentine mainland.

VI. SOCIAL AND EDUCATIONAL CONDITIONS

38. Detailed information under this section is provided in the previous working paper (A/AC.109/1198, paras. 78-97).

VII. PARTICIPATION IN INTERNATIONAL ORGANIZATIONS AND ARRANGEMENTS

39. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth. It also takes part in the work of multilateral organizations concerned with exploitation and preservation of marine resources in the South Atlantic.

40. In January 1995, for the first time in its history, the Government of the Falkland Islands (Malvinas) hosted a Commonwealth Parliamentary Association Seminar which was attended by representatives of the United Kingdom and its dependent territories as well as nations of the Mediterranean region. Among the participants were representatives of the Falkland Islands (Malvinas), Malta, the Isle of Man, Guernsey, Gibraltar, Jersey and St. Helena. 15/

VIII. CONSIDERATION BY OTHER INTERGOVERNMENTAL ORGANIZATIONS

Organization of American States

41. At its twenty-fifth regular session, held at Montrouis, Haiti, from 6 to 9 June 1995, the General Assembly of the Organization of American States, taking into account the fact that, on numerous occasions, it had declared that the question of the Malvinas Islands constituted a question of permanent hemispheric interest and recalling its resolution AG/Res.928 (XVIII-O/88), adopted by consensus, requesting Argentina and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful solution to the sovereignty dispute, expressed its satisfaction at the reaffirmation by the Government of Argentina of its willingness to continue to explore all possible avenues for a peaceful solution of the controversy, particularly its positive consideration regarding the inhabitants of the Malvinas Islands. The Assembly decided to continue to examine the question at its future sessions until it was definitively solved.

IX. FUTURE STATUS OF THE TERRITORY

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

42. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 1431st and 1433rd meetings on 11 and 12 July 1994, when it had before it a working paper on developments concerning the Territory prepared by the Secretariat (A/AC.109/1198).

43. The Special Committee granted requests for hearing petitioners and, at its 1433rd meeting, heard statements by four petitioners (A/AC.109/PV.1433).

44. The representative of Venezuela introduced, on behalf also of Chile and Cuba, draft resolution A/AC.109/L.1819.

45. Following statements by the representatives of Tunisia and Papua New Guinea, the Committee adopted draft resolution A/AC.109/L.1819 without a vote. Statements in explanation of position were made by the representatives of Fiji and Sierra Leone (A/AC.109/PV.1433). The representative of Cuba made a statement (A/AC.109/PV.1433).

46. At the same meeting, the Minister for Foreign Affairs of Argentina made a statement (A/AC.109/PV.1433), in which he said that the Malvinas Islands constituted part of the territory of Argentina, and their recovery was a constant and unforsakable cause for the entire Argentine people and that his Government would continue to carry out diplomatic efforts in all forums until such time as the restitution of those territories had been achieved (for the full text of the statement see A/AC.109/PV.1433).

47. On 21 July 1994, the text of the resolution (A/AC.109/2003) was transmitted to the Permanent Representatives of the United Kingdom of Great Britain and

Northern Ireland and of Argentina to the United Nations for the attention of their respective Governments.

B. General Assembly

Position of the Government of Argentina

48. During the general debate of the forty-ninth session of the General Assembly, the President of the Argentine Republic, in the course of his statement on 27 September 1994 (A/49/PV.6), reaffirmed the position of his Government that Argentina had well-founded and unequivocal sovereign rights over the Malvinas and over South Georgia and the South Sandwich Islands. He emphasized that in 1994 that claim took on special meaning, since the Argentine people, through their representatives in the National Congress, had reformed the supreme law of the country, giving constitutional status to the question of the islands by including, in the new text of the Constitution, a transitory provision that reaffirmed their rights and stated that, in recovering those rights, respect for international law and the way of life of the population of the islands should be paramount.

Position of the United Kingdom of Great Britain and Northern Ireland

49. Speaking during the general debate at the forty-ninth session of the General Assembly (A/49/PV.8) and in response to the remarks of the President of Argentina, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland reiterated that his Government was quite clear about British sovereignty over the Falkland Islands and the other British dependencies in the South Atlantic and so it was concerned at the recent incorporation into the Constitution of Argentina of the new clause to which the President of the Argentine Republic had referred. Noting the difference with Argentina over that issue, he stated at the same time that his Government had joined a dialogue with the Argentine Government on fisheries and petroleum development and looked forward to resuming discussions in the near future with the Argentine authorities on a new agreement on fishing and on the development of possible hydrocarbon resources in the South Atlantic continental shelf.

Contributions by other member States

50. During the debate in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, the representative of Brazil made a statement on behalf of the Rio Group (A/C.4/49/SR.5), in which he said, inter alia, that, in the Latin American region, the members of the Rio Group were confident that the improved relations between Argentina and the United Kingdom would permit a peaceful solution to the long-standing dispute over the Malvinas, South Georgia and the South Sandwich Islands. Speaking in exercise of the right of reply (A/C.4/49/SR.5), the representative of the United Kingdom and Northern Ireland said that the representative of Brazil, speaking on behalf of the Rio Group earlier in the meeting, had expressed the wish for a solution to be found to the sovereignty dispute over the Falklands, South Georgia and the South Sandwich Islands. The position of the United Kingdom Government on those

matters was well known. It had been most recently set out by the Foreign Secretary in his speech to the General Assembly on 28 September 1994 (A/49/PV.8).

51. On 3 November 1994, at its 50th meeting, the General Assembly, taking into account its decision 48/408 of 16 November 1993, decided to defer consideration of the question of the Falkland Islands (Malvinas) and to include it in the provisional agenda of its fiftieth session (A/49/PV.50).

Notes

1/ The information contained in the present paper is based on official documents of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland, information provided by the Permanent Missions of the two States to the United Nations and published reports.

2/ See A/49/PV.6.

3/ Text of the note by the British Embassy in Buenos Aires (photocopy), 30 August 1994.

4/ Penguin News (Stanley), 17 and 24 December 1994.

5/ Text of the Falklands Christmas Message (photocopy), 30 December 1994.

6/ Falkland Islands Newsletter (London), December 1994, pp. 2-3.

7/ Text of press communiqué (photocopy), 3 January 1995.

8/ United Kingdom, House of Commons, Official Report, Parliamentary Debates (Hansard), 22 March 1995, pp. 280-284.

9/ Tenth meeting of the South Atlantic Fisheries Commission: London, 5-6 June 1995 (photocopy).

10/ Penguin News, 19 November 1994.

11/ Penguin News, 15 October 1994.

12/ Penguin News, 22 and 29 October 1994.

13/ Foreign Broadcast Information Service, FBIS-LAT-95-024, 6 February 1995.

14/ Penguin News, 18 February 1995.

15/ Penguin News, 21 January 1995.